

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

W.A.No. 657 of 2005()

AGAINST THE JUDGEMENT/ORDER IN WPC.23461/2004 Dated 04/11/2004
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APPELLANT: THIRD PARTY:

KOLLAM JILLA KALLU CHETHU MADYA
VYAVASAYA THOZHILALI UNION (REG.NO.02/04/2004),
KARUNAGAPPALLY, KOLLAM DISTRICT, REPRESENTED BY ITS
SECRETARY, N.BHADRAN PILLAI.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.NAGARAJ NARAYANAN
SRI.NAIR AJAY KRISHNAN
SRI.SAIJO HASSAN
SRI.A.S.SABU
SRI.JIBU P.THOMAS

RESPONDENTS/ PETITIONER & RESPONDENTS:

1. RAMACHANDRAN NAIR,
PATTANI AZHIKATHU VEEDU, PATTAZHI (P.O),
KOTTARAKKARA.
2. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
3. JOINT LABOUR COMMISSIONER AND
CHIEF WELFARE FUND INSPECTOR, KERALA ABKARI
WORKERS WELFARE FUND BOARD, THIRUVANANTHAPURAM.
4. ASSISTANT EXCISE COMMISSIONER, KOLLAM.
5. EXCISE CIRCLE INSPECTOR,
EXCISE CIRCLE OFFICE, PUNALUR.

6. ASOKAN, S/O. NARAYANAN,
MUKKALUVILAYIL VEEDU, THUVAYOOR NORTH,
ERAM VILLAGE, ADOOR TALUK, PATHANAMTHITTA DISTRICT
 7. MR.DILEEP KUMAR,
S/O. RAMAKRISHNA PILLAI, MANGALATHU VEEDU,
THUVAYOOR SOUTH (P.O), KADAMPANADU, ADOOR,
PATHANAMTHITTA.
 8. MADHYA VYAVASAYA THOZHILALI SAMRAKSHNA
SAMITHY (MTSS), REGISTRATION NO.1110/98,
GOVINDAMANDIRAM, THYCAUD, THIRUVANANTHAPURAM,
REPRESENTED BY ITS PRESIDENT, K.P.VIDHYADHARAN.
 9. T.J.JOSEPH,
THRIPPALLICKAL MALEYEKKAL, VADAKKUPURAM (P.O),
KUMBAZHA, RE.NO.04/1/AS/3601.
- BY GOVERNMENT PLEADER SRI. BASANT BALAJI
ADV. SRI.K.K.BABU,SC FOR KAWWFB.
SRI.V.K.MOHANAN, SC, KAWWF BOARD
SRI.SOJAN JAMES, SC,KAWWF BOARD

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

K.S.RADHAKRISHNAN & M.N.KRISHNAN,JJ

W.A.No.657 OF 2005

DATED THIS THE 5TH DECEMBER, 2006

JUDGMENT

The point raised in this appeal has been considered by the apex court in **Kerala Samsthana Chethu Thozhilali Union Vs. State of Kerala [2006 (2) KLT 270 (SC)]** and it was held that the rule is ultravires and the judgment of this court reported in **Anilkumar Vs. State of Kerala (2005 (1) KLT 130)** stands overruled. Hence, this appeal is dismissed.

K.S.RADHAKRISHNAN,JUDGE.

M.N.KRISHNAN,JUDGE

dvs